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Alan T. McCollom
MARGER JOHNSON & McCOLLOM, P.C
1030 S.W. Morrison Street
Portland, OR 97205

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/694,065

Applicant(s)

ACRES, JOHN F.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 59 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 59 states that the predetermined credit transferred from the players account is not a function of the balance in the player's account. This is not enabled by Applicant's disclosure. Let us assume that the predetermined amount is set at \$50, but the player's account only has a balance of \$10. Applicant's disclosure does not suggest that \$50 will be transferred when the player's balance is below that amount, thus making the amount transferred a function of the balance.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 33, 36, 40 & 43-49 are rejected under 35 U.S.C. 102(b) as being anticipated by LeStrange et al. (US Patent No. 5,470,079).

Claim 33: LeStrange discloses a method of operating gaming devices (10) interconnected by a network (18) to a host computer (20). There is a player account accessible by the host computer (Col 1, 55). Figures 4a and 4b show that access to the account is provided responsive to a player initiated command. Col 6, 57 through Col 7,

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25 discloses maintaining data integrity and an audit trail by recording the state of the game meters at every stage of the process. This means that upon activation of the game, a first game meter reading would be taken and stored. The credits would be transferred to the gaming machine and the amount would be added to the game meters. This event would cause a second meter reading to be taken and stored. (Col 7, 2-4)

Claim 36: Col 7, 2-4 states, "Whenever the system updates meter values, the event which causes the change is also recorded." This would include any transfer of credits to the gaming device. (See Also Col 3, 55 through Col 4, 4)

Claim 40: Col 10, 38 discloses that the command comprises insertion of the player tracking card associated with the gaming device.

Claim 43: Fig 6, 404 discloses computing the change in meter data.

Claim 44: In any accounting system, the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred, this amount would be deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded by any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the calculated difference from the account balance in order to comply with standard accounting practices.

Claim 45: Col 5, 22-25 discloses archiving accounting data and customer data in a database. Data reflecting changes in the credit meters is stored in another database. (Col 7, 2-4)

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Claim 46: Col 10, 38 discloses that the transfer of credit between the account and the gaming device is responsive to a player-initiated command i.e., insertion of the player tracking card associated with the gaming device.

Claim 47: LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13)

Claim 48: The amount transferred would inherently be a function of the player's account balance. A player could not transfer more than the balance of the account to the gaming machine.

Claim 49: LeStrange also discloses classifying players and providing incentives to gamble at a particular. These include providing pre-paid debit cards. This predetermined amount is transferred to the gaming machine. (Col 8, 8-10)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. (US Patent No, 5,967,896) in view of Kishishita (US Patent Number 4,880,237)

Claim 1: Jorasch discloses gaming devices (104, 106, 108) interconnected by a network to a host computer (102). A player account (Col 1, 18) accessible by the host computer is created. Access to the account is provided responsive to a first command issued by the

player. (Col 1, 19) Credits are transferred from the account to the gaming device. (Col 1, 18) Gaming device play is permitted. (Col 1, 19-21) When a player issues a second command at the gaming device, the balance is calculated and the player is cashed out. (Figs 12 & 13) Jorasch does not, however, teach use of an anonymous account.

Kishishita teaches an anonymous account in which the player pays in cash and receives a bar code identifying the account. (Col 3, 54-64) The player does not provide any type of identification to set up the account. This allows a player to play while protecting the player's privacy – an increasingly important issue to many people. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used an anonymous account in which the player pays in cash and receives a bar code identifying the account without presenting identification in order to protect the player's privacy.

Claim 2: Jorasch describes creating a player account accessible by the host computer by: Issuing a tracking card. (Col 1, 18) Storing player record on host computer. (Col 3, 58-64) Receiving an initial cash deposit from the player and crediting it to the account. (Col 3, 24-28) Kishishita also teaches issuing a player tracking card for an anonymous account. (Col 3, 65 – Col 4, 5)

Claim 3: Jorasch teaches that the gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed at a terminal (104, 106, 108) connected to the network (Fig 2). Kishishita also teaches gaming devices (M) in a casino. Creating a player account is performed at an automated card dispenser (10).

Claim 4: Jorasch, Col 1, 19 discloses inserting a card into a card reader associated with a gaming device.

Claims 5 & 6: Jorasch, Col 10, 6-8 discloses actuation of a cash-out actuator associated with the gaming machine.

Claim 7: Jorasch teaches local memory (304) is associated with the gaming device. It receives player account information (308) that is transmitted over a network (Fig 2) from the central computer.

Claim 8: Jorasch, Fig 3 discloses transferring data from the local memory to the credit meter (340). (Col 4, 33-40)

Claim 9: Jorasch and Kishishita teach the invention substantially as claimed. They do not, however, teach the details of accounting for the balance transferred. Kishishita teaches a single balance maintained on a central computer (10). The central computer (10) keeps track of the total amount put into a game and paid out by the game. (Col 4, 55-62) Both Jorasch and Kishishita teach the importance of accurate accounting, but they do not teach finding the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and comparing the calculated difference with the amount transferred. This is merely checking the accuracy of the final credit meter reading – an obvious precaution to forestall cheating or to indicate problems with the gaming system. For example, if the initial credit meter reading is \$0, and \$10 is transferred, a final credit meter reading of anything other than \$10 would indicate a problem. It would have been obvious to one of ordinary skill in the art at the time of the invention to have found the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and compare the calculated difference

with the amount transferred in order forestall cheating and to detect any problems with the gaming system.

Claim 10: Jorasch and Kishishita teach the invention substantially as claimed. They both teach the importance of carefully accounting for the money involved in the system. They do not, however, go into detail of the accounting procedures. Unless there is a problem, the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred. This amount would be deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded by any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the calculated difference (i.e., the amount transferred) from the account balance in order comply with standard accounting practices.

Claim 12: Transfer of credit from the account to the gaming meter occurs responsive to a first command issued by the player. (Col 1, 19)

5. Claims 11 & 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. and Kishishita as discussed in connection with claims 10 & 12 above (as appropriate) in view of LeStrange et al (US Patent No. 5,470,079).

Claims 11: Jorasch discloses the invention substantially as described. Jorasch does not, however, teach maintaining records of transfers and calculated differences in a separate location from the player account, i.e., maintaining a separate audit trail. LeStrange, an invention relating to accounting for casino accounts, stresses the importance of

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maintaining separate audit trails in order to comply with regulatory requirements. (Col 2, 39-61) It would have been obvious to one of ordinary skill in the art at the time of the invention to have maintained the records of transfers and calculated differences in a location separate from the player account in order to maintain a separate audit trail in compliance with the requirements of regulatory agencies.

Claim 13: Jorasch discloses the invention substantially as described. Jorasch does not, however, disclose transferring a predetermined amount. LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13) It would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a specific amount in order to comply with state laws specify a maximum amount that can be used in gambling.

Claims 14: Jorasch discloses a transfer that is a function of the balance of the player account. (Col 5, 41-44)

Claims 15: Jorasch discloses classifying players based on their balance. (Col 6, 9-12) Jorasch also discloses providing incentives to maintain casino account balances—which promotes casino loyalty. (Col 8, 45-54) Jorasch also discloses “player-reward points” given by the casino to certain classifications of players to entice the gamblers to use a particular casino. (Col 3, 59) LeStrange also discloses classifying players and providing incentives to gamble at a particular casino. These include providing pre-paid debit cards. This predetermined amount is transferred to the gaming machine. (Col 8, 8-10) It would have been obvious to one of ordinary skill in the art at the time of the invention to have

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based the amount transferred (from, for instance, a promotional debit card) on the classification of the player in order to provide incentives to gamble at a particular casino.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al., Kishishita and LeStrange as applied to claim 13 in view of Walker et al. (US Patent No 6227972).

Claim 16: Jorasch, Kishishita, and LeStrange teach the invention substantially as claimed. They do not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art to have measured the time between player account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

7. Claims 17-30, 32, 55 & ~~57~~-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. in view of LeStrange et al (US Patent No. 5,470,079).

Claims 17, 57 & 58: Jorasch discloses gaming devices (104, 106, 108) interconnected by a network to a host computer (102). A player account (Col 1, 18) accessible by the host computer is created. Access to the account is provided responsive to a first command issued by the player. (Col 1, 19) Credits are transferred from the account to the gaming device. (Col 1, 18)

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Jorasch does not, however, disclose transferring a predetermined amount.

LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13) It would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a specific amount in order to comply with state laws specify a maximum amount that can be used in gambling.

While neither Jorasch nor LeStrange go into details about the program needed to implement their disclosure, any such program would have to check flags associated with the account for minimum and maximum transfers. If for instance, it took \$5 to operate slot machines in the casino, the program would have to make sure that the minimum transferred would be \$5. And, as LeStrange tells us, many states impose a maximum. Any program would have to check that maximum in order to ensure compliance with state laws. The minimum and maximum would be imposed when the account is opened. It would have been obvious to one of ordinary skill in the art at the time of the invention to have checked flags associated with the account for minimum and maximum transfer limits in order to implement the disclosure of Jorasch and LeStrange into a workable system that complies with state laws.

Claim 18: Jorasch teaches local memory (304) is associated with the gaming device. It receives player account information (308) that is transmitted over a network (Fig 2) from the central computer.

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Claim 19: Jorasch teaches transferring all of the credit from the gaming device to the account responsive to a transfer command initiated by the player at said one gaming device. (Col 10, 6-13) Gaming device play is permitted. (Col 1, 19-21)

Claim 20: Jorasch describes creating a player account accessible by the host computer by: Issuing a tracking card. (Col 1, 18) Storing player record on host computer. (Col 3, 58-64) Receiving an initial cash deposit from the player and crediting it to the account. (Col 3, 24-28) Kishishita also teaches issuing a player tracking card for an anonymous account. (Col 3, 65 – Col 4, 5)

Claim 21: Jorasch teaches that the gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed at a terminal (104, 106, 108) connected to the network (Fig 2). Kishishita also teaches gaming devices (M) in a casino. Creating a player account is performed at an automated card dispenser (10).

Claim 22: Jorasch discloses inserting a card into a card reader associated with a gaming device as a first command. (Col 1, 19)

Claims 23: Jorasch, Col 10, 6-8 discloses actuation of a cash-out actuator associated with the gaming machine.

Claim 24: Jorasch discloses local memory (304) associated with the gaming device. This local memory receives player account information (308) that is transmitted over a network (Fig 2) from the central computer

Claim 25: Jorasch, Fig 3, discloses transferring data from the local memory to the credit meter (340). (Col 4, 33-40)

Claim 26: Jorasch & LeStrange teach the invention substantially as claimed. They do not, however, teach the details of accounting for the balance transferred. Specifically, they do not teach finding the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and comparing the calculated difference with the amount transferred. This is merely checking the accuracy of the final credit meter reading – an obvious precaution to forestall cheating or to indicate problems with the gaming system. For example, if the initial credit meter reading is \$0, and \$10 is transferred, a final credit meter reading of anything other than \$10 would indicate a problem. It would have been obvious to one of ordinary skill in the art at the time of the invention to have found the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and compare the calculated difference with the amount transferred in order to forestall cheating and to detect any problems with the gaming system.

Claim 27: If the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred, this amount would be deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art to have deducted the calculated difference from the account balance in order to comply with standard accounting practices.

Claim 28: Jorasch discloses the invention substantially as described. Jorasch does not, however, teach maintaining records of transfers and calculated differences in a separate

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location from the player account, i.e., maintaining a separate audit trail. LeStrange, an invention relating to accounting for casino accounts, stresses the importance of maintaining separate audit trails in order to comply with regulatory requirements. (Col 2, 39-61) It would have been obvious to one of ordinary skill in the art at the time of the invention to have maintained the records of transfers and calculated differences in a location separate from the player account in order to maintain a separate audit trail in compliance with the requirements of regulatory agencies.

Claim 29: Jorasch discloses a transfer that is a function of the balance of the player account. (Col 5, 41-44)

Claim 30: Jorasch discloses classifying players based on their balance. (Col 6, 9-12) Jorasch also discloses providing incentives to maintain casino account balances –which promotes casino loyalty. (Col 8, 45-54) Jorasch also discloses “player-reward points” given by the casino to certain classifications of players to entice the gamblers to use a particular casino. (Col 3, 59) LeStrange also discloses classifying players and providing incentives to gamble at a particular casino. These include providing pre-paid debit cards. This predetermined amount is transferred to the gaming machine. (Col 8, 8-10) It would have been obvious to one of ordinary skill in the art at the time of the invention to have based the amount transferred (from, for instance, a promotional debit card) on the classification of the player in order to provide incentives to gamble at a particular casino.

Claim 32: Jorasch discloses a keypad (342) for entering the amount transferred. A keypad contains a plurality of actuators. Since gaming devices have a minimum bet, it would have been obvious to one of ordinary skill in the art to associate each actuator on

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the keypad to correspond to a multiple of the minimum bet in order to avoid player confusion.

Claim 55: If a computer makes a calculation, the computer must follow an algorithm.

Claim 59: In the case where the state sets a maximum amount that can be used for gambling, the predetermined credit amount is not a function of the account balance.

Claim 60: While Jorasch and LeStrange do not go into details, they both stress the importance of accounting for the money involved in the transactions. If a player has an account balance, allowing the player to exceed that balance would put the casino at risk of not being able to collect if the player loses. It would have been obvious to one of ordinary skill in the art at the time of the invention to have prevented transfers in excess of the player's account balance to reduce the risk that the casino cannot collect if the player loses.

Claim 61: LeStrange makes it clear that the predetermined credit is not chosen by the player. It is either an amount set by the state or the amount on a pre-paid debit card or promotional coupon. (Col 8, 8-13)

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. and LeStrange et al. as applied to claim 17 in view of Walker et al. (US Patent No 6227972).

Claim 31: Jorasch & LeStrange teach the invention substantially as claimed. They do not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have

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been obvious to one of ordinary skill in the art at the time of the invention to have measured the time between player account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

9. Claims 34, 35 & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange as discussed in connection with claims 33 & 36 above.

Claim 34: While LeStrange does not specifically discuss this point, the amount transferred to the gaming machine would be deducted from the player's account balance and the new balance would be stored on the system. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded in any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the amount transferred to the gaming device from the player's account balance in order comply with standard accounting practices.

Claim 35: LeStrange teaches a separate database for stored meter readings. (Col 4, line 1)

Claim 37: While LeStrange does not specifically discuss this point, the amount transferred to the gaming machine would be deducted from the player's account balance and the new balance would be stored on the system. This would be done for every transfer. This information would be recorded for every transfer in any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the amount

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transferred to the gaming device from the player's account balance for every transfer in order comply with standard accounting practices.

10. Claims 38, 39, 41 & 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange as applied to Claim 33 in view of Jorasch.

Claim 38: LeStrange describes the invention substantially as claimed. LeStrange does not, however, teach the details of creating a player account. Jorasch, an analogous invention, describes creating a player account accessible by the host computer by: Issuing a tracking card. (Col 1, 18) Storing player record on host computer. (Col 3, 58-64) Receiving an initial cash deposit from the player and crediting it to the account. (Col 3, 24-28)

Claim 39: Jorasch teaches that the gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed at a terminal (104, 106, 108) connected to the network (Fig 2) by an agent of the casino.

Claim 41: Jorasch teaches that local memory (304) is associated with the gaming device. The local memory receives player account information (308) that is transmitted over a network (Fig 2) from the central computer.

Claim 42: Jorasch's Fig 3 discloses transferring data from the account in local memory to the gaming device credit meter (340). (Col 4, 33-40)

Overall Justification: LeStrange and Jorasch are analogous inventions. LeStrange is silent concerning certain of the details about how the invention works. In order to implement the disclosure of LeStrange, it would be necessary for one of ordinary skill in the art to look to other, closely-related art. Jorasch provides these details. It would have

been obvious to one of ordinary skill in the art at the time of the invention to have adopted the details provided in Jorasch in order to implement the disclosure of LeStrange.

11. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. as applied to claim 33 in view of Walker et al. (US Patent No 6227972).

Claim 50: LeStrange teaches the invention substantially as claimed. LeStrange does not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art at the time of the invention to have measured the time between player account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

12. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch and Kishishita as applied to claim 9 above, and further in view of Walker.

Claim 51: Jorasch and Kishishita teach the invention substantially as claimed. Jorasch and Kishishita do not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art at the time of the invention to have measured the time between player account transactions and

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locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

13. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch and LeStrange as applied to claim 17, 20 or 38 above, and further in view of Kishishita.

Claim 52: Jorasch and LeStrange teach the invention substantially as claimed. They do not, however, teach an anonymous account. Kishishita teaches an anonymous account. An anonymous account protects the privacy of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention to have implemented an anonymous account in order to protect the privacy of the player.

Claims 53, 54: Jorasch teaches that the gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed at a terminal (104, 106, 108) connected to the network (Fig 2). Kishishita also teaches gaming devices (M) in a casino. Creating a player account is performed at an automated card dispenser (10). An automatic card dispenser reduces operating cost by reducing the number of people a casino must hire. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used an automated card dispenser in order to reduce operating costs.

Response to Arguments

14. Applicant's arguments filed 18 Apr 02 have been fully considered but they are not persuasive. They are discussed in detail below.

Claim Rejections – 35 USC §112

15. Except as noted above, Applicant has overcome the claim rejections under 35 USC §112.

Claim Rejections – 35 USC §102

16. With regard to claims 1-8, 12, 18-21 and 23, new grounds for rejection were necessitated by Applicant's amendment.

17. With regard to claims 33, 40, 43-49, Applicant's arguments are not persuasive.

Applicant argues that LeStrange shows storage of all account information (account ID, balance, etc.) on the card. This is not the case. LeStrange discusses smart cards and magnetic cards.

While smart cards may contain account balances, magnetic cards typically do not. Magnetic cards carry account identification information and the balance is stored on a separate computer. LeStrange, discussing this feature, says, "An example of such a gaming machine is disclosed in U.S. Pat. No. 5,038,022." Lucero (US Patent Number 5,038,022) clearly shows storage of financial data on a remote computer. (Fig 2) Furthermore, Jorasch, which is already of record in the case, teaches such a card being used to access account data stored on the casino's computer.

Assuming, however, that Applicant were correct in stating that the account information was stored on the card itself, LeStrange would still read on the claims. The claims, in pertinent part are drawn to "creating a player account accessible by the host computer." Even if stored on the card, the account data would necessarily be accessible by the host computer in order to be read and used.

Applicant also argues that LeStrange's Figs 4A and 4B fails to show access to the account responsive to user-initiated command. Applicant is in error. Box 200 shows a user initiated command – purchase credits. The rest of Fig 4A shows accessing the account

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responsive to that user initiated commands. 202 shows incrementing the game credit meter and 204 shows incrementing the residual credit meter. This makes up at least part of the player's account.

Applicant argues that LeStrange does not support a first and second meter reading in association with transferring credit between the account and the gaming device. This is in error. LeStrange discloses maintaining an audit trail including meter readings. This inherently means that LeStrange's system takes a meter reading before and after transfer. Let us take an example. A new game is started. In order to maintain a complete audit trail of the meter readings, LeStrange's system would read the meter and record the fact that it was zero. The player then adds \$10 credit to the meter. To maintain a complete audit trail, the system would read the meter and record the new meter value.

Claim Rejections – 35 USC §103

18. New grounds for rejection of claims 9 & 10 were necessitated by Applicant's Amendment.

19. In regards to claims 11, 13-15, 17, 22, 24-30, 32, Applicant argues that while LeStrange suggests that a predetermined credit be transferred to the gaming machine, this does not read on Applicant's claims because LeStrange discusses transferring this predetermined amount in connection with pre-paid debit cards and promotional tickets. Applicant states, "there is no suggestion in Applicant's invention that the amount is limited to promotional tickets or debit cards with specified dollar amounts."

First, LeStrange is not concerned only with debit cards and promotional tickets. As clearly pointed out in the previous office action, LeStrange discloses that some jurisdictions put a

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limit on the amounts that may be transferred to a gaming machine to be used in gambling. Thus, if a player has a balance of \$5,000 and the jurisdiction limits the transfer to \$100, it would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred the maximum amount allowable by law in order to stay within regulations.

Secondly, even if LeStrange only discussed pre-paid debit cards and promotional tickets, LeStrange would read on the claims as written. The claim argues (claim 17) reads in pertinent part, "transferring a predetermined credit from the account to the gaming device responsive to a transfer command initiated by the player at said one gaming device." LeStrange discloses doing just that. The player has a \$20 pre-paid debit card. This is a predetermined amount. The player initiates a command transferring the credit from the card and the predetermined credit (\$20) is transferred to the gaming machine. If Applicant wishes to further limit the claims, then Applicant must explicitly do so.

20. Regarding claims 16 & 31, Applicant argues that Walker fails to teach Applicant's invention because while Walker teaches locking the account after a predetermined time frame, Walker does not teach that the account may be revived. But Applicant does not **claim** that the account may be revived. The Examiner is required to interpret the claims as written. Walker teaches locking the account after a predetermined time frame. That is all the Applicant has claimed. If Applicant wishes to further limit the claims, then Applicant must explicitly do so.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are other gaming systems.

Reference Name	US Patent Number
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Holch et al.	6,089,982
Saunders	6,280,326
Lucero	5,038,022

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary Examiner, Jessica Harrison can be reached on (703) 308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

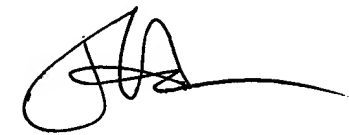
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

June 24, 2002



JESSICA HARRISON
PRIMARY EXAMINER